

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|------------------------|---|----------------------|
| CALLAWAY GOLF COMPANY, |) | |
| |) | |
| Plaintiff, |) | C.A. No. 06-91 (SLR) |
| |) | |
| v. |) | |
| |) | |
| ACUSHNET COMPANY, |) | |
| |) | |
| Defendant. |) | |

**ACUSHNET'S MOTION TO AMEND THE JUDGMENT
PURSUANT TO FED. R. CIV. P. 59(e)**

Pursuant to Fed. R. Civ. P. 59(e), defendant Acushnet Company respectfully moves to amend the Judgment entered on March 31, 2010 so that it is in accordance with the parties' March 22, 2010 Stipulated Order Regarding Asserted Claims.

Pursuant to that stipulation, Callaway agreed to limit the number of asserted claims that it would present at trial to claim 1 of U.S. Patent No. 6,210,293 ("the '293 patent"); claim 1 of U.S. Patent No. 6,503,156 ("the '156 patent"); claim 5 of U.S. Patent No. 6,506,130 ("the '130 patent"); and claim 3 of U.S. Patent No. 6,595,873 ("the '873 patent"). D.I. 601. In exchange, Acushnet agreed that the determination of the validity of these four claims would apply to the validity of each of the other five claims for which Acushnet has stipulated to infringement ("i.e., for the '293 patent, the validity determination in this matter for claim 1 also applies to the validity of claims 4 and 5; for the '156 patent, the validity determination in this matter for claim 1 also applies to the validity of claims 2 and 3; and for the '873 patent, the validity determination in this matter for claim 3 also applies to the validity of claim 1"). D.I. 601.

On March 29, 2010, the jury returned a verdict finding invalid all four of the claims that Callaway presented at trial. D.I. 608. On March 31, 2010, the Court entered judgment in favor

of Acushnet and against Callaway, “[f]or the reasons stated in the jury verdict of March 29, 2010.” D.I. 611. In accordance with the parties’ stipulation, Acushnet requests that the Court amend that judgment to declare claims 1, 4, and 5 of the ‘293 patent, claims 1, 2, and 3 of the ‘156 patent, claim 5 of the ‘130 patent, and claims 1 and 3 of the ‘873 patent invalid. Acushnet will submit further briefing on this issue in its opening brief in support of this motion on April 30, 2010, pursuant to the parties’ stipulated schedule for post-trial briefing.

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Dated: April 28, 2010
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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on April 28, 2010, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on April 28, 2010, the attached document was Electronically Mailed to the following person(s):

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